

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY RSA NO. 1	)	
PARTNERSHIP FOR ISSUANCE OF A CERTIFICATE	)	
OF PUBLIC CONVENIENCE AND NECESSITY TO	)	CASE NO. 92-107
CONSTRUCT AN ADDITIONAL CELL FACILITY IN	)	
KENTUCKY RURAL SERVICE AREA NO. 1	)	
(DRAFFENVILLE CELL FACILITY)	)	

O R D E R

On March 18, 1992, Kentucky RSA No. 1 Partnership ("KY RSA No. 1 Partnership") filed an application, which was amended April 30, 1992, seeking a Certificate of Public Convenience and Necessity to construct and operate a cellular radio telecommunications system for Rural Service Area No. 1 ("RSA No. 1"), and for approval of its initial rates. RSA No. 1 includes Ballard, Calloway, Carlisle, Fulton, Graves, Hickman, Marshall and McCracken counties in Kentucky. KY RSA No. 1 Partnership has requested authorization to construct a cell site in Marshall County.

The proposed cell site consists of a guyed antenna tower, not to exceed 285 feet, to be located at Route 7, Box 371, Cypress Dunn Cemetery Road, Draffenville, Marshall County, Kentucky ("the Draffenville cell site"). The coordinates for the Draffenville cell site are North Latitude 36° 54' 58" by West Longitude 88° 18' 47".

KY RSA No. 1 Partnership has provided information regarding the structure of the tower, safety measures, and antenna design

criteria for the Draffenville cell site. Based upon the application, the tower and foundation design appear to meet the criteria of the Building Officials and Code Administrators International, Inc. ("BOCA") National Building Code, with reference to earthquakes, winds and tornadoes.

Pursuant to KRS 100.324(1), the Draffenville cell site's construction is exempt from local zoning ordinances. KY RSA No. 1 Partnership has filed applications with the Federal Communications Commission ("FCC"), the Federal Aviation Administration ("FAA"), and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction and operation of the Draffenville site. The FCC and FAA have given approval, while the KAZC application is still pending.

KY RSA No. 1 Partnership has filed a notice verifying that each property owner and/or resident within 500 feet of the Draffenville cell site has been notified of the pending construction. The notice solicited any comments and informed the property owner and/or resident of their right to intervene. No comments or requests to intervene have been received.

KY RSA No. 1 Partnership filed its proposed tariff on April 30, 1992. After reviewing the proposed tariff, the Commission finds that the following revisions should be made:

1. The name of the company shown on Original Page 15 should be changed to read "Kentucky RSA #1 Partnership" rather than "Evansville MSA Limited Partnership."

2. Original Sheet 18 Section 3.11(3)(B), Line 3, should be changed to read "at least five (5) days" rather than "forty-eight

(48) hours" in compliance with 807 KAR 5:006, Section 14(2).

KY RSA No. 1 Partnership is financially, managerially, and technically qualified to operate a cellular radio system.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, hereby finds that KY RSA No. 1 Partnership should be granted a Certificate of Public Convenience and Necessity to construct and operate a cellular radio telecommunications system for RSA No. 1. The rates proposed by KY RSA No. 1 Partnership should be approved as the fair, just, and reasonable rates to be charged.

IT IS THEREFORE ORDERED that:

1. Kentucky RSA No. 1 Partnership be and it hereby is granted a Certificate of Public Convenience and Necessity to operate a cellular telecommunications system in RSA No. 1.

2. Kentucky RSA No. 1 Partnership be and it hereby is granted a Certificate of Public Convenience and Necessity to construct and operate a guyed antenna tower, not to exceed 285 feet, located at Route 7, Box 371, Cypress Dunn Cemetery Road, Draffenville, Marshall County, Kentucky. The coordinates for the Draffenville cell site are North Latitude  $36^{\circ} 54' 58''$  by West Longitude  $88^{\circ} 18' 47''$ .


3. The rates proposed in Kentucky RSA No. 1 Partnership's tariff be and they hereby are approved, with the revisions noted above.

4. Kentucky RSA No. 1 Partnership shall file a copy of the final decision regarding its pending KAZC application for this cell site construction, within 10 days of receiving this decision.

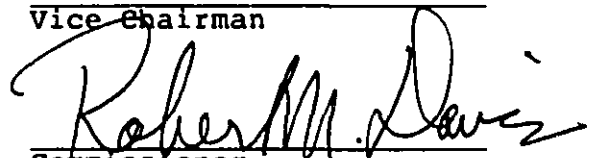
5. Within 30 days from the date of this Order, Kentucky RSA No. 1 Partnership shall file its tariff sheets pursuant to 807 KAR 5:011, setting out the rates approved herein and all rules governing the provision of service in accordance with the Commission's Orders and administrative regulations.

Done at Frankfort, Kentucky, this 22nd day of May, 1992.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director, Acting